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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

DEMETRIC DI-AZ, OWEN DIAZ, and
LAMAR PATTERSON,

Plaintiffs,

v.

TESLA, INC. dba TESLA MOTORS, INC.;
CITISTAFF SOLUTIONS, INC.; WEST
VALLEY STAFFING GROUP;
CHARTWELL STAFFING SERVICES, INC.;
and DOES 1-50, inclusive,

Defendants.

Case No. 3:17-cv-06748-WHO

**JOINT STIPULATION REGARDING
SCHEDULE AND PROCEDURES FOR
POST-TRIAL MOTIONS; [PROPOSED]
ORDER**

Judge: Hon. William H. Orrick

**TO THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS OF
RECORD:**

Pursuant to Civil Local Rule 7-12, Plaintiff Owen Diaz (“Plaintiff”) and Defendant Tesla, Inc. (“Defendant”), by and through their attorneys of record, hereby submit this Joint Stipulation Regarding Schedule and Procedures for Post-Trial Motions.

WHEREAS, on October 19, 2021, the Court entered Judgment in this matter following a verdict in a jury trial (Dkt. 307), which triggered the deadline for the parties to file various post-trial motions;

WHEREAS, Plaintiff intends to file a motion for attorney’s fees and costs pursuant to 42 U.S.C. § 1988;

WHEREAS, Defendant anticipates filing motions under Federal Rules of Civil Procedure 50(b) and 59;

WHEREAS, the parties have met and conferred and agree that judicial economy would be served by agreeing to certain deadlines and procedures for the management of the parties’ anticipated post-trial motions, specifically by (i) deferring Plaintiff’s deadline to file his motion for attorney’s fees until after the resolution of Defendant’s anticipated post-trial motions so that any decision regarding fees can be made in consideration of the Court’s ruling on Defendant’s post-trial motions; (ii) permitting Defendant to file a consolidated motion under Rules 50(b) and 59 and expanding the page limitations for such motion to account for the consolidation; and (iii) agreeing to a briefing and hearing schedule for Defendant’s anticipated post-trial motions that expands the briefing period for the opposition and reply briefs to accommodate the parties’ schedules and to permit sufficient time for the parties to address the issues that will be raised.

NOW THEREFORE, it is hereby stipulated by and between the parties that:

(1) Any motions filed by Defendant under Federal Rules of Civil Procedure 50(b) or 59 shall be filed as a single, consolidated motion, and managed according to the following schedule and procedures:

a. Motion limited to 35 pages due by November 16, 2021;

- b. Opposition brief limited to 35 pages due by December 7, 2021;
- c. Reply brief limited to 20 pages due by December 21, 2021;
- d. Hearing scheduled for January 19, 2022, at 2 p.m., or as soon thereafter as

convenient for the Court.

(2) Defendant's deadline to file any motion for attorney's fees pursuant to 42 U.S.C. § 1988 shall be 21 days after the date of the Court's entry of its order resolving Defendant's consolidated motion under Rules 50(b) and 59.

IT IS SO STIPULATED.

CALIFORNIA CIVIL RIGHTS LAW GROUP
ALEXANDER MORRISON + FEHR LLP

DATED: November 1, 2021

By: /s Lawrence A. Organ

Lawrence A. Organ, Esq.
Navruz Organ, Esq.
Cimone A. Nunley, Esq.
J. Bernard Alexander, Esq.
Attorneys for Plaintiffs
DEMETRIC DI-AZ AND OWEN DIAZ

DATED: November 1, 2021

QUINN EMANUEL URQUHART & SULLIVAN, LLP

Bv /s Daniel C. Posner

KATHLEEN M. SULLIVAN
DANIEL C. POSNER
Attorneys for Defendant
TESLA, INC.

[PROPOSED] ORDER

Based upon the Parties' Stipulation, and good cause having been shown, **IT IS HEREBY ORDERED THAT:**

(1) Any motions filed by Defendant under Federal Rules of Civil Procedure 50(b) or 59 shall be filed as a single, consolidated motion, and managed according to the following schedule and procedures:

- a. Motion limited to 35 pages due by November 16, 2021;
- b. Opposition brief limited to 35 pages due by December 7, 2021;
- c. Reply brief limited to 20 pages due by December 21, 2021;
- d. Hearing scheduled for January 19, 2022, at 2 p.m., or as soon thereafter as convenient for the Court.

(2) Defendant's deadline to file any motion for attorney's fees pursuant to 42 U.S.C. § 1988 shall be 21 days after the date of the Court's entry of its order resolving Defendant's consolidated motion under Rules 50(b) and 59.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____, 2021

Hon. William H. Orrick

DECLARATION OF CONSENT

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest under penalty of perjury that I obtained concurrence in the filing of this document from above-listed counsel for Defendant Tesla, Inc., which shall serve in lieu of their signature on the document.

Dated: November 1, 2021

By: /s Lawrence A. Organ

LAWRENCE A. ORGAN
NAVRUZ AVLONI
J. BERNARD ALEXANDER
CIMONE A. NUNLEY

Attorneys for Plaintiff OWEN DIAZ